

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC.
f/k/a MOSAIC ACQUISITION CORP.;
LEGACY VIVINT SMART HOME, INC.
f/k/a VIVINT SMART HOME, INC.,

Defendants.

**DECLARATION OF
DIAMOND LOTT**

I, Diamond Lott, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of eighteen and make this Declaration based on my own personal knowledge regarding matters about which I would be competent to testify at trial.

2. I am a current customer of Vivint Smart Home, Inc. ("Vivint"). Previously, I was a customer of CPI Security Systems, Inc. ("CPI").

3. In July of 2020, a Vivint sales representative came to my home to sell me a Vivint alarm system. The Vivint sales representative made clear that he was selling for Vivint and did not claim or allude to being affiliated with CPI.

4. I chose to switch to Vivint from CPI because the equipment and service offered from Vivint was better than what I had with CPI and because I did not like the racially insensitive statements made by CPI's CEO.

5. Vivint paid me the full amount necessary to pay off my remaining CPI contract.

6. After meeting with the Vivint sales representative, I called CPI to ask how much it would cost to cancel my CPI service. When asked why I wanted to cancel my CPI contract, I made clear to them that I was cancelling because I was offered a better deal with Vivint, Vivint's equipment was better overall, and Vivint would pay off my remaining CPI contract.

7. After this initial phone call with CPI, CPI called me multiple times and left multiple voicemails trying to reach me to discuss my request to cancel.

8. The next time I spoke with CPI, I requested to cancel my CPI service because I found a new company and wanted to cut ties with CPI.

9. I was then transferred to another CPI agent who represented himself as an "expert" on customers switching from CPI to Vivint. When that representative asked me why I was cancelling, I also told him that I found another company and wanted to cut ties with CPI because of the racially insensitive comments made by CPI's CEO. I also explained that I was not happy with CPI's long-term agreements and that I was not provided an upgrade with a doorbell camera.

10. The CPI representative asked me if I could be convinced to stay by hearing about changes made within the company since CPI's CEO made the racially insensitive comments. I declined and continued to request that CPI cancel my service. The CPI representative then asked me if Vivint had promised to pay to cancel my CPI contract and told me that Vivint had been dishonest about buying out other

customers' contracts. I then told him that Vivint had in fact followed through and paid me the necessary amount to cancel my CPI account. The CPI representative then tried to persuade me that Vivint would somehow charge me the payoff amount on the backend.

11. I again told the CPI representative that I wanted to cancel my CPI service. He then told me that I could get out of my Vivint agreement because it was illegal for Vivint to solicit my business while I was under an agreement with CPI. He referred to the illegal conduct as "tortious interference." He told me Vivint was not a reputable company. He continued to ask me if this information changed my mind as to whether to proceed with cancelling CPI. I told him again that I still wanted to cancel my CPI service. Despite my repeated requests to cancel, he asked if he could send me information as to how to file a complaint against Vivint and articles about Vivint to persuade me to cancel my Vivint service.

12. Soon thereafter, the CPI representative emailed me articles about Vivint and information on how to file a complaint against Vivint with government agencies.

13. I later called back CPI on multiple occasions to cancel my CPI service. When asked why I wanted to cancel I again said I was canceling because I found another company I wanted to use. I ultimately was able to cancel my CPI service.

14. After cancelling my CPI service, CPI quality assurance called me several times and left several voicemails to talk to me again about why I cancelled CPI.

15. When I called CPI to cancel my CPI service, I did not believe that Vivint had made any misrepresentations to me. My calls with CPI, however, led me to believe I had somehow been scammed by Vivint, even though I had not.

16. I have not been contacted by CPI or CPI's attorneys about testifying on behalf of CPI.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 18 2021.

A handwritten signature in black ink, appearing to read 'D. Lott', is written over a horizontal line.

Diamond Lott